

FISH & WILDLIFE COMMISSION AGENDA ITEM COVER SHEET

Meeting Date: March 12, 2015

Agenda Item: Arm Rule Modification for Brook Trout Tournaments in Rivers and Streams

Division: Fisheries

Action Needed: Proposed

Time Needed on Agenda for this Presentation: 15 minutes

Background

Fishing contests on wild trout in rivers or streams are currently prohibited under ARM 12.7.807. FWP would like to modify this prohibition to allow anglers 14 years old or younger to participate in contests for brook trout (*Salvelinus fontinalis*). Such contests would remain subject to requirements of ARM 7.801 that designates threshold numbers of anglers and prize values above which a formal tournament permit would be required. This change would be realized by modifying language to 12.7.807, as indicated below:

12.7.807 PROHIBITED CONTESTS (1) Contests involving any ~~Montana~~ listed species or species of special concern are prohibited except ~~the following:~~

(a) ~~contests are allowed for lake/ reservoir stocked for~~ Yellowstone cutthroat trout (*Oncorhynchus clarki bouvieri*) or westslope cutthroat trout (*Oncorhynchus clarki lewisi*) ~~including upper Missouri cutthroat trout stocked in lakes or reservoirs.~~

(2) All contests involving wild trout (*Salmo Onchorynchus* or *Salvelinus*) in streams ~~or rivers~~ are prohibited except contests for brook trout (*Salvelinus fontinalis*) that are restricted to anglers 14 years or younger.

Public Involvement Process & Results

With proposal of this rule, filing and publication initiates the public involvement process. A public comment period opens on date of publication, must remain open a minimum 28 days, and must extend past the last public hearing. The first public hearing (required) can be held after the publication date plus 21 days. Depending on comments received, this ARM rule modification could be back to the Commission for final consideration and potential adoption by June 11 at the earliest.

Alternatives and Analysis

With no change, angling contests remain prohibited on wild trout in streams and rivers. Organized fishing events could occur if prize offerings are distributed on some basis not related to the actual fish that are caught. The rule change would allow young anglers to fish organized events for brook trout in rivers and streams that directly associate rewards to each angler's actual success.

Agency Recommendation & Rationale

FWP recommend proposal of this ARM rule modification to allow youth angling opportunities on brook trout in streams. Brook trout are a nonnative species abundant in many areas. Sufficient safeguards to prevent unintended consequences remain in the existing ARM rules. Adding to angler opportunities in this safe way agrees with Fisheries Division goals to provide angling opportunities provided they do not conflict with appropriate resource conservation.

Proposed Motion:

I move that the Commission propose to modify existing ARM rule 12.7.807 as suggested by FWP, and to conduct all appropriate public involvement processes necessary for consideration of its final adoption.